

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JOSEPH JOHN GREEN,)
vs.)
Plaintiff,)
VINAI CHETPATANANONT, ET AL.,)
Defendants.)
NO. CIV-05-0317-HE

ORDER

28 U.S.C. §1441(b) provides that an action other than one based on a federal question is properly removed only if none of the defendants are residents of the state in which the action is brought. Here, one of the defendants in this removed case, defendant Chetpatananont, is a resident of Oklahoma. While neither party has raised the issue, the Court is obliged to raise *sua sponte* any question as to its jurisdiction to proceed.

Accordingly, the parties are directed to submit briefs not later than Wednesday, June 22, 2005, addressing: (1) whether 28 U.S.C. §1441(b) is applicable in this case; and (2) if so, whether failure to raise timely any objection based on it waives the objection, i.e. is §1441(b) jurisdictional or procedural?

IT IS SO ORDERED.

Dated this 2nd day of June, 2005.

Heaton
JOE HEATON
UNITED STATES DISTRICT JUDGE